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Report of the Secretary-General on the Sudan

I. Introduction

1. In the Statement by its President dated 10 October 2003 (S/PRST/2003/16), the Security Council requested the Secretary-General to initiate preparatory work on how the United Nations could best fully support the implementation of a comprehensive peace agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A). In accordance with the Statement, I established an Interdepartmental Task Force (ITF) on the Sudan to follow the peace process closely and serve as a forum for developing a United Nations common strategy to support implementation of the final agreement. I also dispatched a preliminary assessment mission to the Sudan and Kenya from 27 November to 16 December 2003, which provided a useful opportunity to consult with the parties at all levels, as well as the Intergovernmental Authority on Development (IGAD) mediation team, the donor community, the United Nations country team, non-governmental organizations, and the existing monitoring mechanisms currently deployed in the country. The mission was also able to assess the overall environment for a future United Nations operation in the Sudan.

2. In March 2004, my Special Adviser, Mr. Mohamed Sahnoun, visited the region accompanied by staff of the Department of Political Affairs and of the Department of Peacekeeping Operations, and met with senior officials from Egypt, Eritrea, Ethiopia, Kenya, the Sudan and Uganda, including the Presidents of Eritrea, the Sudan and Uganda; the leaders of the two Sudanese delegations at the peace talks in Naivasha, Kenya; and the IGAD mediation team; as well as international observers at the talks, in order to consult them on the current status of planning for a future monitoring and verification operation in the Sudan. I have been encouraged by the reception given to my Special Adviser and wish to express my appreciation to the parties and the Governments of the region for their support for the peace process and the planned United Nations response.

3. A small group of United Nations technical experts has been in the Sudan since late April 2004 to carry forward logistics planning and assessments on the ground. They have been tasked with locating suitable premises and facilities in Khartoum and other locations, identifying, in conjunction with the parties, appropriate areas for headquarters, camps or other premises to be provided to the United Nations in the event of a future operation. The group has been able to establish contacts with the national authorities at a technical level to sensitize them towards established United Nations policies and practice when conducting peace support operations. It

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has also been working closely with United Nations country team colleagues to develop further a common United Nations logistics and support strategy for the peace implementation phase, has benefited from the advice of Operation Lifeline Sudan, an organization that has worked for years in the challenging environment of south Sudan, and has continued consultations with existing monitoring mechanisms deployed in the Sudan.

II. State of the peace process

4. As members of the Council are aware, after months of negotiations, the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) have reached agreement on the remaining three protocols on power-sharing; the areas of Nuba Mountains and Southern Blue Nile; and Abyei. These protocols complete a series of six agreements and represent almost two years' work since the first protocol was signed at Machakos, Kenya, in July 2002, followed by protocols on security arrangements in September 2003 and on wealth-sharing in January 2004. Together they represent the parties' solemn commitment to conclude negotiations with a long-awaited comprehensive peace agreement as soon as possible.

5. For all but 11 of the 48 years since its independence in 1956, the Sudan has been engulfed in civil conflict. Generations of Sudanese people have known nothing but the terrible consequences that perennial war has wrought upon the country, including large-scale death and destruction, mass internal displacement, refugee crises and famine.

6. The civil war that the Government of the Sudan and the SPLM/A are in the process of ending, erupted in 1983, following the breakdown of the 1972 Addis Ababa agreement. The ensuing 21-year conflict devastated a significant part of Africa's largest country and deprived the rest of stability, growth and development. The Sudanese people have paid a terrible price, over 2 million people have died, 4 million have been uprooted and some 600,000 people have sought shelter beyond Sudan's borders as refugees. The nature and size of the country's problems have frequently overflowed into neighbouring countries and brought misery and insecurity to the region.

7. Over the long years of war, there has been a plethora of attempts by various external actors, including from neighbouring States, concerned donors and other States, as well as the parties themselves, to bring the conflict to an end. However the immense complexities of the war and the lack of political will prevented its earlier resolution. In 1993, the Heads of State of the then Intergovernmental Authority on Drought and Development (IGADD) became involved in the latest initiative to bring the parties together. This was the beginning of a long process that has led slowly but inexorably to the threshold of a peace accord. Once a comprehensive peace agreement is signed it will be in no small measure thanks to the dedication of IGADD/IGAD and the political leadership of its members, particularly the Government of Kenya.

8. By completing a series of framework protocols, at long last the Government of the Sudan and the SPLM/A are poised to put an end to the long war. It is now up to the Government and the SPLM/A to conclude negotiations swiftly and to sign a

comprehensive peace agreement following detailed talks on ceasefire and security arrangements, as well as implementation modalities and international guarantees.

9. The international community faces a truly daunting task in helping the Government of the Sudan and the SPLM/A to overcome their differences during peace implementation. The final peace agreement will be hugely complex, combining agreements on ceasefire and security arrangements, wealth-sharing, power-sharing and the future administration of three areas in the centre of the country. Implementation will radically alter current political realities in the Sudan. While the protocols attempt to address the primary causes of the war, some of the language may be subject to different interpretation. To implement such a document will require an enormous amount of trust and patience from the parties and on the part of the international community. The stakes are enormous for the Sudanese people and for the parties, and the long six and a half year interim periods are fraught with danger, during which major differences will certainly arise.

10. While the long work at Naivasha is to be applauded, there has been some concern at the lack of inclusivity within the peace process beyond the two main parties. One of the first tests for the agreement will be the parties' capacity to promote its acceptance beyond their immediate constituencies to the wider Sudanese body politic as a viable solution for all Sudanese people. Nevertheless, there are bound to be disaffected and spoiler elements that will have no interest in seeing any agreement succeed and will work to reverse the direction in which the parties have pledged to travel. In addition, some external actors may seek to influence the implementation process to parochial advantage. It is certain that the international community and the United Nations operation will face testing and difficult times as they assist and work with the parties through the interim periods of peace implementation.

III. Proposed United Nations advance team

11. In my letter to the Security Council of 25 March 2004 informing it of my plans to send a group of United Nations technical experts to the Sudan to start preparing for later deployments, I emphasized that a long lead-time was required to best mitigate the extraordinary logistical challenges that a future United Nations operation will face in the Sudan. The country's sheer size — comparable to that of Western Europe — and total lack of infrastructure in the south will ensure that the United Nations will be working in the most demanding of circumstances. The likely lines of communication that a future monitoring and verification operation would face are roughly equivalent in distance to that between the cities of New York and Houston, with several planned sectors each the size of Austria or New York State. The Sudan is 35 times larger than Sierra Leone, a country that hosts a significant United Nations peace operation. The logistical dimensions that a future operation would face will be slightly larger than those faced in the Democratic Republic of the Congo. Given the ravaged state of south Sudan's infrastructure and the unprecedented complexity and scope of the tasks expected to be performed by a future monitoring and verification operation, United Nations-provided logistical support would have to be extensive.

12. To assist successfully in the implementation of the Sudanese agreement over an area of this magnitude will require an extensive and carefully coordinated

response from the international community. The United Nations has recognized that it will not be possible to implement this peace agreement without a joint, integrated strategy among its components, agencies and programmes. The work of the ITF was set in progress precisely to ensure that the United Nations can fully support the implementation of the agreement in a systemic and integrated manner. However, in addition to the work that the United Nations operation would perform, should the parties request it in their agreement, there will be many tasks that cannot fall under the purview of the Organization and will require bilateral and multilateral responses from the international community that must be carefully synchronized and coordinated in harmony with development efforts.

13. While the precise tasks and the configuration of a future monitoring and observation operation in the Sudan are still being defined, based on the agreements and understandings concluded so far it is probable that the requirements would include:

- Political affairs/good offices;
- Monitoring of ceasefire and security arrangements;
- Monitoring of, coordination of external support for, and possible assistance with disarmament, demobilization and reintegration of ex-combatants and those associated with the armed groups;
- Facilitation of development and humanitarian activities, including monitoring the return of refugees and internally displaced persons;
- Civil affairs;
- Coordination of support for capacity-building, as well as possible monitoring of and assistance in the following areas:
  - Police and rule-of-law institutions;
  - human rights and child protection;
- Coordination of mine action activities;
- Electoral assistance;
- Public information.

14. In view of the logistical difficulties that will be attendant upon deployment of a United Nations operation, as well as the political fragility that may well prevail as combatants adjust to the new realities following the signing of a comprehensive peace agreement, it will be important to have a framework reception capability in place to ensure that a smooth and timely deployment may commence as soon as possible. Assessments indicate that a future United Nations operation would have to be deployed in phases. As a first step, within the authority of S/PRST/2003/16, I am augmenting the current small group of personnel already operating in the Sudan with the immediate deployment of additional support staff.

15. This group would be subsumed into a United Nations advance team, which I would propose for Security Council approval. Given the likely multidimensional character of a future operation and the need to ensure unity of effort by the United Nations system, and in order to best face the logistical challenges, the advance team should include experts in all of the above listed areas, liaison officers, security staff

and a strong mission support element. The advance team would ensure cohesive preparations with the United Nations country team for the Organization's role in post-conflict Sudan and would establish high-level contacts as well as working relationships with the parties on the ground and would include up to 25 military liaison officers and military support elements. The military liaison officers would deploy in the main envisaged sectors; they would establish military contacts with the parties on practical preparations for a future United Nations operation and would promote, to the extent possible, liaison arrangements between the parties' armed forces in the field. The mission support element would necessarily need to be robust so as to ensure that it would be able to provide the technical planners with effective support services while it simultaneously continues the ongoing practical administrative and logistical preparations for the eventual smooth and timely establishment of the monitoring and verification peace support operation. These preparations include the survey and preparation of reception and staging areas, deployment sites and communications relay sites, the pre-positioning of critical equipment, and the identification of qualified local staff candidates for subsequent recruitment. The team would also require the services of a dedicated aircraft to permit it to travel freely within the area. It is envisaged that the advance team would be absorbed into a full mission, should the latter be established by the Security Council upon the signing of a comprehensive peace agreement.

16. I intend to appoint very soon the senior leadership of a future United Nations peace operation, including a Special Representative and two Deputy Special Representatives to head the ongoing preparations. While I envisage that my Special Representative, with key members of the advance team, would lead the United Nations delegation at the final phase of peace talks in Naivasha, I would immediately dispatch to the Sudan one of my Deputy Special Representatives, who would also serve as the United Nations Resident/Humanitarian Coordinator. I believe it is important to make these key appointments at this stage in order to ensure continuity between the negotiations at Naivasha and the later implementation phases, and to facilitate quickly the deployment of a new United Nations Resident/Humanitarian Coordinator, in the light of the present humanitarian emergency inside the Sudan.

17. In order to carry out the above tasks, the advance team would need the full cooperation, at all times, of the Government of the Sudan and the SPLM/A. In particular, the team would need to be granted all necessary privileges, immunities and facilities so that it can effectively perform its functions, including complete and unrestricted freedom of movement throughout the Sudan by the most direct routes possible, exemption from passport and visa regulations, the right without any restriction to import and export all necessary property, supplies and equipment, freedom of communications and the ability to recruit local staff. In order to confirm the commitment of the Sudanese parties to undertake the necessary practical steps to enable the advance team to begin to carry out its functions, I will initiate consultations on a draft agreement with the Government of the Sudan and the SPLM/A as soon as the Security Council has taken the decision to authorize the establishment of the advance team. Such an agreement would in principle provide for the application of the 1946 Convention on the Privileges and Immunities of the United Nations, to which the Sudan is a party, and would, in accordance with General Assembly and Security Council resolutions on peacekeeping and peace operations, include relevant provisions of the model status-of-forces agreement

(A/45/594) and the Convention on the Safety of United Nations and Associated Personnel. Provisions granting facilities to contractors and their employees engaged by the United Nations to supply goods and/or services would also be included in such an agreement.

IV. Concluding observations

18. The recent signing of the protocols on power-sharing, on the areas of Nuba Mountains and Southern Blue Nile, and on Abyei, have given the Sudanese people, and indeed the whole region, hope that a definitive end can now be brought to the terrible war that has afflicted the lives of millions of Sudanese for over 20 years. The international community is unanimous in its desire to see the peace process brought to an early and successful conclusion. I am convinced that the deployment of an advance team, recommended in the present report, would show the commitment of the international community to assist the parties. It would also enhance the United Nations own ability to engage quickly in assisting the Sudanese people in their transition to a long-awaited new era of peace and development.

19. The Sudanese peace process has come a long way in recent months after years of false dawns. The IGAD-sponsored negotiations have been a long process that has frequently faced the prospect of breakdown. At long last, after so many years of war, the parties have brought their country to a historic juncture that represents the best chance to bring to a close one of Africa's longest and most intractable wars. I salute the parties and particularly the leaders of the respective delegations, First Vice-President Ali Osman Mohammad Taha and SPLM/A Chairman Dr. John Garang de Mabior, for their commitment in concluding the framework protocols. I applaud the work of all the external partners in this peace process, particularly the IGAD mediation team, led by Kenya, the Troika countries of Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and the members of the IGAD Partners Forum.

20. However, at the same time as the international community congratulates those who have worked so hard for a negotiated settlement, a note of caution seems in order in three areas of particular concern: that the parties implement what they have signed in good faith; that the parties use their influence to bring to an immediate halt the fighting in the Darfur region, in the Malakal area of Upper Nile and elsewhere, which continues to destroy lives and livelihoods; and that the international community understand and concur that peace will only be attained in the Sudan through continuing constant engagement, requiring extensive investment and funding.

21. Implementing the framework protocols in the Sudan will be every bit as hard as drawing them up and there will be multiple occasions during the next six and a half years when the optimism we feel now will seem a distant memory. Each party has made considerable sacrifices to conclude these protocols; many more sacrifices will have to be made if they are to be respected during peace implementation. I call on the parties to respect their commitments for it is only by implementing their agreements in good faith that they have the power to offer their people a peaceful, stable future, one in which all Sudanese can live without fear of violence and discrimination, where the ideals which the parties have enshrined in the Machakos

Protocol, namely democracy, human rights, freedom of religion and self-determination, have a central place.

22. At the same time as the Government of the Sudan and the SPLM/A are pledging themselves to peace, fighting continues to rage in parts of the country. I am deeply concerned at the violence that has afflicted the people of the Shilluk region in the Upper Nile region in south Sudan, as well as the recent spate of clashes in other parts of the south. I call on the Government and the SPLM/A to demonstrate their commitment to peace by using their influence to ensure a complete halt to fighting. Similarly, the catastrophic situation in Darfur is a problem that will make a Sudanese peace agreement much harder to implement. A meaningful agreement on Darfur will be fundamental to the success of a future United Nations role in the Sudan; to conduct a consent-based monitoring and verification operation in one part of the country while there is ongoing conflict in another part would prove politically unsustainable inside the Sudan and internationally. I urge the parties to that conflict to conclude a political agreement without delay.

23. I also call upon the international community to continue to play its part during the final phase of negotiations and during the long interim periods that will follow a comprehensive peace agreement. The efforts of the United Nations will represent only a small fraction of the work that is required for peace to take hold in the Sudan. Solid support and investment from the international community will be pivotal to the successful conclusion of the peace process. Rebuilding such a vast country will be a huge undertaking. Without an enduring, patient commitment there is a real possibility that south Sudan could slide back into conflict and chaos. I urge the international community to make that investment to help achieve peace for the long-suffering Sudanese people and for the stability and economic well-being of the region. As a first step, I recommend that the Security Council support the creation of an advance team as outlined in paragraphs 15 and 16 of this report, for an initial period of three months.